

SECOND REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1777
91ST GENERAL ASSEMBLY

Reported from the Committee on Miscellaneous Bills and Resolutions, April 18, 2002, with recommendation that the House Committee Substitute for House Bill No. 1777 Do Pass.

Taken up for Perfection April 30, 2002.

House Committee Substitute for House Bill No. 1777 ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

4300L.05P

AN ACT

To repeal sections 44.023, 306.124, 307.177, 407.472, 407.1095, 570.030, 571.020, 574.115, 578.008, and 610.021, RSMo, and to enact in lieu thereof seventeen new sections relating to terrorism, with penalty provisions, with expiration dates for certain sections, and an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 44.023, 306.124, 307.177, 407.472, 407.1095, 570.030, 571.020, 574.115, 578.008, and 610.021, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 38.050, 44.023, 304.370, 306.124, 307.177, 407.472, 407.760, 407.762, 407.763, 407.1095, 569.072, 570.030, 571.020, 574.115, 576.080, 578.008, and 610.021 to read as follows:

38.050. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Terrorism, Bioterrorism, and Homeland Security" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

9 member's place when his or her term of office as a member of the general assembly has
10 expired. No party shall be represented by more than four members from the house of
11 representatives nor more than four members from the senate. A majority of the committee
12 shall constitute a quorum, but the concurrence of a majority of the members shall be
13 required for the determination of any matter within the committee's duties.

14 2. The joint committee shall:

15 (1) Make a continuing study and analysis of all state government terrorism,
16 bioterrorism, and homeland security efforts;

17 (2) Devise a standard reporting system to obtain data on each state government
18 agency that will provide information on each agency's terrorism and bioterrorism
19 preparedness, and homeland security status at least biennially;

20 (3) Determine from its study and analysis the need for changes in statutory law;
21 and

22 (4) Make any other recommendation to the general assembly necessary to provide
23 adequate terrorism and bioterrorism protections, and homeland security to the citizens of
24 the state of Missouri.

25 3. The joint committee shall meet within thirty days after its creation and organize
26 by selecting a chairperson and a vice chairperson, one of whom shall be a member of the
27 senate and the other a member of the house of representatives. The chairperson shall
28 alternate between members of the house and senate every two years after the committee's
29 organization.

30 4. The committee shall meet at least quarterly. The committee may meet at
31 locations other than Jefferson City when the committee deems it necessary.

32 5. The committee shall be staffed by legislative personnel as is deemed necessary
33 to assist the committee in the performance of its duties.

34 6. The members of the committee shall serve without compensation but shall be
35 entitled to reimbursement for actual and necessary expenses incurred in the performance
36 of their official duties.

37 7. It shall be the duty of the committee to compile a full report of its activities for
38 submission to the general assembly. The report shall be submitted not later than the
39 fifteenth of January of each year in which the general assembly convenes in regular session
40 and shall include any recommendations which the committee may have for legislative
41 action as well as any recommendations for administrative or procedural changes in the
42 internal management or organization of state or local government agencies and
43 departments. Copies of the report containing such recommendations shall be sent to the
44 appropriate directors of state or local government agencies or departments included in the

45 **report.**

46 **8. The provisions of this section shall expire on December 31, 2007.**

44.023. 1. The Missouri state emergency management agency shall establish and
2 administer an emergency volunteer program to be activated in the event of [an earthquake or
3 other natural] a disaster whereby volunteer architects and professional engineers registered under
4 chapter 327, RSMo, and construction contractors, equipment dealers and other owners and
5 operators of construction equipment may volunteer the use of their services and equipment,
6 either manned or unmanned, for up to three days as requested and needed by the state emergency
7 management agency.

8 2. In the event of [an earthquake or other natural] a disaster, the enrolled volunteers
9 shall, where needed, assist local jurisdictions and local building inspectors to provide essential
10 demolition, cleanup or other related services and to determine whether buildings affected by [an
11 earthquake or other natural disaster] a:

- 12 (1) Have not sustained serious damage and may be occupied;
- 13 (2) Must be vacated temporarily pending repairs; or
- 14 (3) Must be demolished in order to avoid hazards to occupants or other persons.

15 3. Any person when utilized as a volunteer under the emergency volunteer program shall
16 have his incidental expenses paid by the local jurisdiction for which the volunteer service is
17 provided.

18 4. Architects and professional engineers, construction contractors, equipment dealers and
19 other owners and operators of construction equipment and the companies with which they are
20 employed, working under the emergency volunteer program shall not be personally liable either
21 jointly or separately for any act or acts committed in the performance of their official duties as
22 emergency volunteers except in the case of willful misconduct or gross negligence.

23 5. Any individuals, employers, partnerships, corporations or proprietorships, that are
24 working under the emergency volunteer program providing demolition, cleanup, removal or
25 other related services, shall not be liable for any acts committed in the performance of their
26 official duties as emergency volunteers except in the case of willful misconduct or gross
27 negligence.

**304.370. 1. For the purpose of this section, hazardous materials shall be defined
2 pursuant to Part 397, Title 49, Code of Federal Regulations, as adopted and amended.**

3 **2. No person shall transport hazardous materials in or through any highway tunnel
4 in this state.**

5 **3. No person shall park a vehicle containing hazardous materials within three
6 hundred feet of any highway tunnel in this state except as provided pursuant to Part 397,
7 Title 49, Code of Federal Regulations, as such regulations have been and may periodically**

8 **be amended.**

9 **4. Any person who is found guilty or pleads guilty to a violation of this section shall**
10 **be guilty of a class B misdemeanor. Any person who is found guilty or pleads guilty to a**
11 **second or subsequent violation of this section shall be guilty of a class A misdemeanor.**
12 **Violations of this section shall be enforced pursuant to section 390.201, RSMo.**

306.124. 1. (1) "Aids to navigation" means buoys, beacons or other fixed objects in the
2 water which are used to mark obstructions to navigation or to direct navigation through safe
3 channels.

4 (2) "Regulatory markers" means any anchored or fixed markers in or on the water or
5 signs on the shore or on bridges over the water other than aids to navigation and shall include
6 but not be limited to bathing markers, speed zone markers, information markers, danger zone
7 markers, boat keep-out areas, and mooring buoys.

8 2. The Missouri state water patrol after a public hearing pursuant to notice thereof
9 published not less than ten days prior thereto in each county to be affected may provide for the
10 uniform marking of the water areas in this state through the placement of aids to navigation and
11 regulatory markers. The Missouri state water patrol shall establish a marking system compatible
12 with the system of aids to navigation prescribed by the United States Coast Guard. No city,
13 county, or person shall mark or obstruct the water of this state in any manner so as to endanger
14 the operation of watercraft or conflict with the marking system prescribed by the state water
15 patrol.

16 3. **Whenever, due to any actual or imminent man-made or natural disaster, the**
17 **navigation or use of any waters of this state presents an unreasonable danger to persons**
18 **or property, the Missouri state water patrol may, with the consent of the director of the**
19 **department of public safety, close such waters by the placement of regulatory markers.**

20 4. The operation of any watercraft within prohibited areas that are marked shall be
21 prima facie evidence of negligent operation.

22 [4.] 5. It shall be unlawful for any person to operate a watercraft on the waters of this
23 state in a manner other than that prescribed or permitted by regulatory markers.

24 [5.] 6. No person shall moor or fasten a watercraft to or willfully damage, tamper,
25 remove, obstruct, or interfere with any aid to navigation or regulatory marker established
26 pursuant to sections 306.010 to 306.126.

307.177. 1. It is unlawful for any person to operate any bus, truck, truck-tractor and
2 trailer combination, or other commercial motor vehicle and trailer upon any highway of this
3 state, whether intrastate transportation or interstate transportation, transporting materials defined
4 and classified as hazardous by the United States Department of Transportation pursuant to Title
5 49 of the Code of Federal Regulations, as such regulations have been and may periodically be

6 amended, unless such vehicle is equipped with the equipment required by and be operated in
7 accordance with safety and hazardous materials regulations for such vehicles as adopted by the
8 United States Department of Transportation.

9 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part
10 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of
11 drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were
12 licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.

13 3. Failure to comply with the requirements of this section may result in the commercial
14 motor vehicle and trailer and driver of such vehicle and trailer being placed out of service.
15 Criteria used for placing drivers and vehicles out of service are the North American Uniform
16 Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United
17 States Department of Transportation, as such criteria have been and may periodically be
18 amended.

19 **4. Violation of this section shall be deemed a class A misdemeanor.**

407.472. 1. When it appears to the attorney general that a person has engaged in, is
2 engaging in or is about to engage in any method, use, act or practice declared to be unlawful by
3 sections 407.450 to 407.478, **or when it appears that any funds solicited by or on behalf of**
4 **any charitable organization are being used, or are about to be used for any purpose in**
5 **violation of this chapter or section 576.080, RSMo,** or when he believes it to be in the public
6 interest that an investigation should be made to ascertain whether a person in fact has engaged
7 in, is engaging in, or is about to engage in any such act or practice he may issue and cause to be
8 served a civil investigative demand to assist in the investigation of the matter. The issuance and
9 enforcement of each civil investigative demand shall be in compliance with all of the terms and
10 provisions of sections 407.040 to 407.090.

11 2. Whenever it appears to the attorney general that a person has engaged in, is engaging
12 in, or is about to engage in any method, use, act, or practice declared to be unlawful by sections
13 407.450 to 407.478, **or when it appears that any funds solicited by or on behalf of any**
14 **charitable organization are being used, or are about to be used for any purpose in violation**
15 **of this chapter or section 576.080, RSMo,** he may bring an action pursuant to section 407.100
16 for an injunction prohibiting such person from continuing such methods, uses, acts, or practices,
17 or engaging therein, or doing anything in furtherance thereof. In any action brought by the
18 attorney general [under] **pursuant to** this subsection all of the provisions of sections 407.100
19 to 407.140 shall apply thereto.

407.760. 1. For the purpose of this section and sections 407.762, the definitions set
2 **forth in section 407.010 shall apply, and in addition the following terms shall mean:**

3 **(1) "Consumer market disruption", an actual or threatened change in the market**

4 for essential consumer merchandise due to stress of weather, convulsion of nature, failure
5 or shortage of electric power or other source of energy, strike, civil disorder, war, act of
6 terrorism, or military action, and officially declared as a national or statewide emergency
7 or disaster. The term consumer market disruption shall not include statewide emergencies
8 or disasters declared by an Executive Order to access the rainy day fund, to balance the
9 state budget, or any similar emergency or disaster;

10 (2) "Essential consumer merchandise", merchandise used, bought, or rendered
11 primarily for personal or business purposes and essential to the health, safety, or welfare
12 of consumers.

407.762. 1. It shall be unlawful for any person to exercise unfair leverage when
2 selling essential consumer merchandise during a consumer market disruption.

3 2. Whether a sale constitutes an exercise of unfair leverage is a matter of law for
4 the court to determine.

5 3. Any of the following may be offered as evidence of the exercise of unfair
6 leverage:

7 (1) A gross disparity between the price at which the seller sold the essential
8 consumer merchandise and the seller's price for any similar sale made in the usual course
9 of business immediately before the onset of the consumer market disruption; or

10 (2) A gross disparity between the price at which the seller sold the essential
11 consumer merchandise and the price at which the same or comparable essential consumer
12 merchandise was readily available to consumers in the trade area at the time of the sale.

13 4. A seller may rebut an allegation of exercising unfair leverage with evidence that
14 the seller did not exercise unfair leverage, including but not limited to evidence that any
15 gross disparity in price was justified by a corresponding gross disparity in costs imposed
16 on the seller and not within the seller's control.

17 5. A person who violates the provisions of this section may be liable for:

18 (1) Restitution to any consumer against whom the person exercised unfair leverage
19 in violation of this section; and

20 (2) A civil penalty to the state of Missouri in an amount not to exceed the greater
21 of three thousand dollars or twice the amount gained unlawfully in violation of this section.

22 6. The attorney general shall have authority to commence a civil action for a
23 violation of this section.

407.763. 1. No person may initiate the transmission, conspire with another to
2 initiate the transmission, or assist the transmission of a commercial electronic mail message
3 from a computer located in Missouri or to an electronic mail address that the sender
4 knows, or has reason to know, is held by a Missouri resident that:

(1) Uses a third-party's Internet domain name without permission of the third party, or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(2) Contains false or misleading information in the subject line.

2. For purposes of this section, a person knows that the intended recipient of a commercial electronic mail message is a Missouri resident if that information is available, upon request, from the registrant of the Internet domain name contained in the recipient's electronic mail address.

407.1095. As used in sections 407.1095 to 407.1110, the following words and phrases mean:

(1) "Caller identification service", a type of telephone service which permits telephone subscribers to see the telephone number of incoming telephone calls;

(2) "Residential subscriber", a person who has subscribed to residential telephone service from a local exchange company or the other persons living or residing with such person;

(3) "Telephone solicitation", any voice communication over a telephone line from a live operator, through the use of ADAD equipment or by other means, **or any communication via facsimile or electronic mail** for the purpose of encouraging the purchase or rental of, or investment in, property, goods or services, but does not include communications:

(a) To any residential subscriber with that subscriber's prior express invitation or permission;

(b) By or on behalf of any person or entity with whom a residential subscriber has had a business contact within the past one hundred eighty days or a current business or personal relationship;

(c) By or on behalf of an entity organized pursuant to Chapter 501(c)(3) of the United States Internal Revenue Code, while such entity is engaged in fund-raising to support the charitable purpose for which the entity was established provided that a bona fide member of such exempt organization makes the voice **or computer** communication;

(d) By or on behalf of any entity over which a federal agency has regulatory authority to the extent that:

a. Subject to such authority, the entity is required to maintain a license, permit or certificate to sell or provide the merchandise being offered through telemarketing; and

b. The entity is required by law or rule to develop and maintain a no-call list;

(e) By a natural person responding to a referral, or working from his or her primary residence, or a person licensed by the state of Missouri to carry out a trade, occupation or profession who is setting or attempting to set an appointment for actions relating to that licensed trade, occupation or profession within the state or counties contiguous to the state, **with such**

29 **appointment made in response to a contact that was initiated by a customer.**

2 **569.072. 1. A person commits the crime of criminal water contamination if such**
3 **person knowingly introduces any dangerous radiological, chemical, or biological agent or**
4 **substance into any public or private waters of the state or any water supply with the**
5 **purpose of causing death or serious physical injury to another person.**

6 **2. Criminal water contamination is a class B felony.**

7 **570.030. 1. A person commits the crime of stealing if he or she appropriates property**
8 **or services of another with the purpose to deprive him or her thereof, either without his or her**
9 **consent or by means of deceit or coercion.**

10 **2. Evidence of the following is admissible in any criminal prosecution [under] pursuant**
11 **to this section on the issue of the requisite knowledge or belief of the alleged stealer:**

12 (1) That he or she failed or refused to pay for property or services of a hotel, restaurant,
13 inn or boardinghouse;

14 (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or
15 boardinghouse a check or negotiable paper on which payment was refused;

16 (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not
17 pay for property or services;

18 (4) That he or she surreptitiously removed or attempted to remove his or her baggage
19 from a hotel, inn or boardinghouse.

20 **3. Stealing is a class C felony if:**

21 (1) The value of the property or services appropriated is seven hundred fifty dollars or
22 more; or

23 (2) The actor physically takes the property appropriated from the person of the victim;
24 or

25 (3) The property appropriated consists of:

26 (a) Any motor vehicle, watercraft or aircraft; or

27 (b) Any will or unrecorded deed affecting real property; or

28 (c) Any credit card or letter of credit; or

29 (d) Any firearms; or

30 (e) A United States national flag designed, intended and used for display on buildings
or stationary flagstaffs in the open; or

(f) Any original copy of an act, bill or resolution, introduced or acted upon by the
legislature of the state of Missouri; or

(g) Any pleading, notice, judgment or any other record or entry of any court of this state,
any other state or of the United States; or

(h) Any book of registration or list of voters required by chapter 115, RSMo; or

31 (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

32 (j) Live fish raised for commercial sale with a value of seventy-five dollars; or

33 (k) Any controlled substance as defined by section 195.010, RSMo; **or**

34 **(l) Ammonium nitrate.**

35 4. If an actor appropriates any material with a value less than one hundred fifty dollars
36 in violation of this section with the intent to use such material to manufacture, compound,
37 produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues,
38 then such violation is a class D felony. The theft of any amount of anhydrous ammonia or liquid
39 nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class
40 C felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank
41 trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

42 5. The theft of any item of property or services [under] **pursuant to** subsection 3 of this
43 section which exceeds seven hundred fifty dollars may be considered a separate felony and may
44 be charged in separate counts.

45 6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection
46 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection
47 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars
48 is guilty of a class B felony.

49 7. Any violation of this section for which no other penalty is specified in this section is
50 a class A misdemeanor.

571.020. 1. A person commits a crime if [he] **such person** knowingly possesses,
2 manufactures, transports, repairs, or sells:

3 (1) An explosive weapon;

4 (2) **An explosive, incendiary, or poison substance or material with the purpose to**
5 **possess, manufacture, or sell an explosive weapon;**

6 **(3)** A machine gun;

7 [(3)] **(4)** A gas gun;

8 [(4)] **(5)** A short barreled rifle or shotgun;

9 [(5)] **(6)** A firearm silencer;

10 [(6)] **(7)** A switchblade knife;

11 [(7)] **(8)** A bullet or projectile which explodes or detonates upon impact because of an
12 independent explosive charge after having been shot from a firearm; or

13 [(8)] **(9)** Knuckles.

14 2. A person does not commit a crime [under] **pursuant to** this section if his conduct:

15 (1) Was incident to the performance of official duty by the armed forces, national guard,
16 a governmental law enforcement agency, or a penal institution; or

17 (2) Was incident to engaging in a lawful commercial or business transaction with an
18 organization enumerated in subdivision (1) of this section; or

19 (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful
20 industrial or commercial enterprise; or

21 (4) Was incident to displaying the weapon in a public museum or exhibition; or

22 (5) Was incident to dealing with the weapon solely as a curio, ornament, or keepsake,
23 or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon
24 is a type described in subdivision (1), (3) or (5) of subsection 1 of this section it must be in such
25 a nonfunctioning condition that it cannot readily be made operable. No short barreled rifle, short
26 barreled shotgun, or machine gun may be possessed, manufactured, transported, repaired or sold
27 as a curio, ornament, or keepsake, unless such person is an importer, manufacturer, dealer, or
28 collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968,
29 U.S.C., Title 18, or unless such firearm is an "antique firearm" as defined in subsection 3 of
30 section 571.080, or unless such firearm has been designated a "collectors item" by the Secretary
31 of the Treasury pursuant to the U.S.C., Title 26, Section 5845 (a).

32 3. A crime [under] **pursuant to** subdivision (1), (2), (3), (4) [or], (5) **or (6)** of subsection
33 1 of this section is a class C felony; a crime [under] **pursuant to** subdivision [(6),] (7) [or], (8)
34 **or (9)** of subsection 1 of this section is a class A misdemeanor.

574.115. 1. A person commits the crime of making a [terroristic] **terrorist** threat if such
2 person communicates a threat to [commit a felony] **cause an incident or condition involving**
3 **danger to life, communicates** a knowingly false report [concerning the commission of any
4 felony] **of an incident or condition involving danger to life**, or knowingly [false report
5 concerning the occurrence of any catastrophe] **causes a false belief or fear that an incident has**
6 **occurred or that a condition exists involving danger to life:**

7 (1) [For] **With** the purpose of frightening [or disturbing] ten or more people;

8 (2) [For] **With** the purpose of causing the evacuation, **quarantine**, or closure of any
9 **portion of a** building, inhabitable structure, place of assembly, or facility of transportation; or

10 (3) With reckless disregard of the risk of causing the evacuation, **quarantine**, or closure
11 of any **portion of a** building, inhabitable structure, place of assembly, or facility of
12 transportation; or

13 (4) **With criminal negligence with regard to the risk of causing the evacuation,**
14 **quarantine, or closure of any portion of a building, inhabitable structure, place of**
15 **assembly, or facility of transportation.**

16 2. Making a [terroristic] **terrorist** threat is a class C felony unless committed under
17 subdivision (3) of subsection 1 of this section in which case it is a class D felony **or unless**
18 **committed under subdivision (4) of subsection 1 of this section in which case it is a class A**

19 **misdemeanor.**

20 3. [As used in this section:

21 (1) The term "threat" means an express or implied threat but does not include a report
22 made in good faith for the purpose of preventing harm; and

23 (2) The term "catastrophe" is defined by section 569.070, RSMo] **For the purpose of**
24 **this section, "threat" includes an express or implied threat.**

25 4. **A person who acts in good faith with the purpose to prevent harm does not**
26 **commit a crime pursuant to this section.**

576.080. 1. A person commits the crime of supporting terrorism if such person
2 **knowingly provides, attempts to provide, conspires to provide, or solicits any person or**
3 **organization to provide material support to any organization designated as a foreign**
4 **terrorist organization pursuant to 8 U.S.C. 1189, as amended. It is not an element of the**
5 **offense that the person know that the organization has been designated as a foreign**
6 **terrorist organization pursuant to 8 U.S.C. 1189.**

7 2. **For the purpose of this section, "material support" includes currency or other**
8 **financial securities, financial services, lodging, training, safehouses, false documentation**
9 **or identification, communications equipment, facilities, weapons, lethal substances,**
10 **explosives, personnel, transportation, and other physical assets, except medicine or**
11 **religious materials.**

12 3. **Supporting terrorism is a class C felony.**

578.008. 1. A person commits the crime of [spreading disease to livestock or animals]
2 **agroterrorism** if [that] **such** person purposely spreads any type of contagious, communicable
3 or infectious disease among **crops, poultry**, livestock as defined in section 267.565, RSMo, or
4 other animals.

5 2. [Spreading disease to livestock or animals] **Agroterrorism** is a class D felony unless
6 the damage to **crops, poultry**, livestock or animals is ten million dollars or more in which case
7 it is a class B felony.

8 3. It shall be a defense to the crime of [spreading disease to livestock or animals]
9 **agroterrorism** if such spreading is consistent with medically recognized therapeutic procedures
10 **or done in the course of legitimate, professional scientific research.**

610.021 Except to the extent disclosure is otherwise required by law, a public
2 governmental body is authorized to close meetings, records and votes, to the extent they relate
3 to the following:

4 (1) Legal actions, causes of action or litigation involving a public governmental body
5 and any confidential or privileged communications between a public governmental body or its
6 representatives and its attorneys. However, any minutes, vote or settlement agreement relating

7 to legal actions, causes of action or litigation involving a public governmental body or any agent
8 or entity representing its interests or acting on its behalf or with its authority, including any
9 insurance company acting on behalf of a public government body as its insured, shall be made
10 public upon final disposition of the matter voted upon or upon the signing by the parties of the
11 settlement agreement, unless, prior to final disposition, the settlement agreement is ordered
12 closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the
13 action clearly outweighs the public policy considerations of section 610.011, however, the
14 amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed;
15 provided, however, in matters involving the exercise of the power of eminent domain, the vote
16 shall be announced or become public immediately following the action on the motion to
17 authorize institution of such a legal action. Legal work product shall be considered a closed
18 record;

19 (2) Leasing, purchase or sale of real estate by a public governmental body where public
20 knowledge of the transaction might adversely affect the legal consideration therefor. However,
21 any minutes, vote or public record approving a contract relating to the leasing, purchase or sale
22 of real estate by a public governmental body shall be made public within seventy- two hours after
23 execution of the lease, purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public
25 governmental body when personal information about the employee is discussed or recorded.
26 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,
27 promote or discipline an employee of a public governmental body must be made available with
28 a record of how each member voted to the public within seventy-two hours of the close of the
29 meeting where such action occurs; provided, however, that any employee so affected shall be
30 entitled to prompt notice of such decision during the seventy-two-hour period before such
31 decision is made available to the public. As used in this subdivision, the term "personal
32 information" means information relating to the performance or merit of individual employees;

33 (4) The state militia or national guard or any part thereof;

34 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,
35 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or
36 treatment;

37 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including
38 records of individual test or examination scores; however, personally identifiable student records
39 maintained by public educational institutions shall be open for inspection by the parents,
40 guardian or other custodian of students under the age of eighteen years and by the parents,
41 guardian or other custodian and the student if the student is over the age of eighteen years;

42 (7) Testing and examination materials, before the test or examination is given or, if it

43 is to be given again, before so given again;

44 (8) Welfare cases of identifiable individuals;

45 (9) Preparation, including any discussions or work product, on behalf of a public
46 governmental body or its representatives for negotiations with employee groups;

47 (10) Software codes for electronic data processing and documentation thereof;

48 (11) Specifications for competitive bidding, until either the specifications are officially
49 approved by the public governmental body or the specifications are published for bid;

50 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals
51 and related documents or any documents related to a negotiated contract until a contract is
52 executed, or all proposals are rejected;

53 (13) Individually identifiable personnel records, performance ratings or records
54 pertaining to employees or applicants for employment, except that this exemption shall not apply
55 to the names, positions, salaries and lengths of service of officers and employees of public
56 agencies once they are employed as such;

57 (14) Records which are protected from disclosure by law;

58 (15) Meetings and public records relating to scientific and technological innovations in
59 which the owner has a proprietary interest;

60 (16) Records relating to municipal hot lines established for the reporting of abuse and
61 wrongdoing;

62 (17) Confidential or privileged communications between a public governmental body
63 and its auditor, including all auditor work product; [and]

64 (18) [In preparation for and implementation of electric restructuring, a municipal electric
65 utility may close that portion of its financial records and business plans which contains
66 information regarding the name of the suppliers of services to said utility and the cost of such
67 services, and the records and business plans concerning the municipal electric utility's future
68 marketing and service expansion areas. However, this exception shall not be construed to limit
69 access to other records of a municipal electric utility, including but not limited to the names and
70 addresses of its business and residential customers, its financial reports, including but not limited
71 to its budget, annual reports and other financial statements prepared in the course of business,
72 and other records maintained in the course of doing business as a municipal electric utility. This
73 exception shall become null and void if the state of Missouri fails to implement by December
74 31, 2001, electric restructuring through the adoption of statutes permitting the same in this state.]

75 **Existing or proposed security systems and structural plans of real property owned or**
76 **leased by a public governmental body, the public disclosure of which would threaten public**
77 **safety. Records related to the procurement of or expenditures relating to security systems**
78 **shall be open except to the extent provided in this section. When seeking to close**

79 information pursuant to this exception, the public governmental body shall affirmatively
80 state in writing that disclosure would impair the public governmental body's ability to
81 protect the security or safety of persons or real property, and shall in the same writing
82 state that the public interest in nondisclosure outweighs the public interest in disclosure
83 of records. This exception shall sunset on December 31, 2006;

84 (19) Records that identify the configuration of components or the operation of a
85 computer, computer system, computer network, or telecommunications network, and
86 would allow unauthorized access to or unlawful disruption of a computer, computer
87 system, computer network, or telecommunications network, of a public governmental
88 body. This exception shall not be used to limit or deny access to otherwise public records
89 in a file, document, data file or database containing public records. Records related to the
90 procurement of or expenditures relating to such computer, computer system, computer
91 network, or telecommunications network, including the amount of moneys paid by, or on
92 behalf of, a public governmental body for such computer, computer system, computer
93 network, or telecommunications network, shall be open except to the extent provided in
94 this section; and

95 (20) Credit card numbers, personal identification numbers, digital certificates,
96 physical and virtual keys, access codes or authorization codes that are used to protect the
97 security of electronic transactions between a public governmental body and a person or
98 entity doing business with a public governmental body. Nothing in this section shall be
99 deemed to close the record of a person or entity using a credit card held in the name of a
100 public governmental body or any record of a transaction made by a person using a credit
101 card or other method of payment for which reimbursement is made by a public
102 governmental body.

Section B. Because of the immediate need for state emergency powers section A of this
2 act is deemed necessary for the immediate preservation of the public health, welfare, peace, and
3 safety, and section A of this act is hereby declared to be an emergency act within the meaning
4 of the constitution, and this act shall be in full force and effect upon its passage and approval.